

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-562V

Filed: October 13, 2015

Unpublished

LISA HALE,

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Petitioner,

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Ruling on Entitlement; Concession;
Tetanus-diphtheria acellular pertussis
("Tdap"); Shoulder Injury ("SIRVA");
Special Processing Unit ("SPU")

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Mark Theodore Sadaka, Mark T. Sadaka, LLC, Englewood, N.J., for petitioner.

Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On June 1, 2015, Petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² [the "Vaccine Act" or "Program"]. Petitioner alleges that she suffered left shoulder injuries following administration of a tetanus, diphtheria and acellular pertussis ("Tdap") vaccination on February 27, 2013. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 13, 2015, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent "opines that petitioner experienced SIRVA [Shoulder Injury Related to Vaccine Administration] within 48 hours of Tdap vaccine administration. No other causes for petitioner's SIRVA have been identified. As such,

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

DICP agrees that petitioner's SIRVA was more likely than not caused by the February 27, 2013, Tdap vaccination." *Id.* at 5 (internal citations omitted). Respondent further agrees that petitioner's injury persisted for at least six months and that all other legal prerequisites under the Act have been satisfied. *Id.*

In view of respondent's concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master